

Ser. No. 10/089,903  
Internal Docket No. PF990066  
Customer # 24498

### Remarks/Arguments

Claims 1-6 are pending. Claims 1 and 5 have been amended to more clearly and distinctly claim the subject matter that applicants regard as their invention. No new matter is believed to be added by the present amendment.

#### **Rejection of claims 1-3 and 5-6 under 35 USC 103(a) as being unpatentable over Naimpally (US Pat No 5,619,337) in view of Yoneda et al. (EP 0 841 819)**

Applicants submit that for the reasons discussed below present claims 1-3 and 5-6 are patentably distinguishable over the teachings of Naimpally and Yoneda et al.

Applicants submit that the previously pending claims are patentably distinguishable over the proposed combination of Naimpally and Yoneda et al. for the reasons discussed previously. However, to move the prosecution of the case forward, applicants have amended the claims to more clearly and distinctly claim the subject matter that applicants regard as their invention. In particular, Claim 1 has been amended to recite:

1. (Currently Amended) Method for recording data in a digital video processing device connectable to a recording medium, comprising the steps of:

- receiving a stream of data packets, each data packet being associated with one of N packet identifiers;
- providing N ( $N > 1$ ) buffers for receiving respectively packets corresponding to one of N packet identifiers;
- monitoring a total quantity of data stored in the N buffers; and
- triggering a writing process of the data contained in the buffers to the recording medium when said total quantity of data reaches a predetermined level, said predetermined level being dependent on at least one characteristic of the recording medium. (emphasis added)

Claim 5 has been amended to similarly include the limitation regarding the predetermined level. Applicants submit that the combination of Naimpally and Yoneda fail to teach or suggest each and every one of the limitations of amended claims 1 and 5.

The Office Action acknowledges that Naimpally fails to disclose monitoring the total quantity of data stored in the buffers, and triggering a writing process of

Ser. No. 10/089,903  
Internal Docket No. PF990066  
Customer # 24498

the data when the total quantity of data reaches a predetermined level. Yoneda is cited to cure this deficiency of Naimpally.

Yoneda relates to a system for multiplexing audio and video data. Yoneda proposes a solution based on buffers, which allows arranging alternately the audio and video data in arbitrary buffers. The portions of Yoneda cited by the Office Action specifically teach transferring the content of the buffers to the storage unit when the respective buffers are filled up. Col. 47, lines 7-15 states "when the audio buffer is filled up, the audio buffering means 801 outputs the content of the buffer to the file management means 803 wherein it is written in a storage unit. Likewise, the video buffering means 802 contains a video buffer. When the video buffer is filled up, the video buffering means 802 outputs the content of the buffer to the file management means 803 wherein it is written in the storage unit." Col. 47, lines 33-54 further discuss the writing of the data from the buffers into the storage unit. Clearly, Yoneda teaches that the system includes a buffer for audio and a buffer for video, and each buffer is considered individually. Once a particular buffer is full, its contents are transferred to the storage unit.

However, nowhere does Yoneda teach or suggest triggering the writing process when the data reaches a predetermined level, which is dependent on at least one characteristic of the recording medium. According to Yoneda, the size of the buffers is equivalent to the smallest unit of writing which is specified for the storage unit managed by the file management means (col. 47, lines 15-20). This size is hardwired and cannot be modified.

By contrast, the method according to the present invention can be used with several different recording media having different characteristics, the predetermined level being adjusted according to the characteristics of the recording medium used at one instant. Yoneda mentions that the contents of the buffer are transferred to the storage unit when the respective buffers are filled up. However, Yoneda fails to teach or suggest that the data is transferred on only according to the level of fullness of the buffers but also according to the characteristic of the recording medium.

In view of the above, applicants submit that the proposed combination of Naimpally and Yoneda fails to teach or suggest each and every limitation of amended claims 1 and 5. Thus, amended claims 1 and 5, and the claims that

Ser. No. 10/089,903  
Internal Docket No. PF990066  
Customer # 24498

depend therefrom, are patentably distinguishable over the suggested combination of Naimpally and Yoneda.


**Rejection of claim 4 under 35 USC 103(a) as being unpatentable over Naimpally and Yoneda et al. and in further view of Deo et al (US Pat No 6,304,914)**

Deo is cited as teachings the step of writing a header into said recording unit, the header indicating for the data from each buffer the corresponding packet identifier, the size, and location of the data in the recording unit. Applicants submit that even assuming arguendo that Deo teaches the subject limitation, Deo fails to cure the defect of the proposed combination of Naimpally and Yoneda as applied to claim 1. Thus, claim 4 is believed to be patentably distinguishable over the proposed combination of Naimpally, Yoneda and Deo.

Ser. No. 10/089,903  
Internal Docket No. PF990066  
Customer # 24498

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

By:   
Paul P. Kiel  
Attorney for Applicants  
Registration No. 40,677

THOMSON Licensing LLC  
PO Box 5312  
Princeton, NJ 08543-5312

Date: April 10, 2007

kms